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**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

	)	
BNSF RAILWAY COMPANY,	)	
	)	DOCKET NO: TR-150189
Petitioner	)	
	)	PREFILED TESTIMONY OF
vs.	)	RICHARD WAGNER
	)	
WHATCOM COUNTY,	)	
	)	
Respondent.	)	
_____	)	

**Q: Please state your full name and job title.**

A: Richard Wagner, BNSF Manager Public Projects NW Division, ID, WA & BC.

**Q: Please describe your position with BNSF Railway Company (BNSF).**

A: I have been employed by BNSF Railway Company (BNSF) for approximately 8 years. During my employment, I have worked as a Construction Project Engineer and Manager Public Projects. In general, my duties as Manager Public Projects include negotiating all Construction & Maintenance agreements for grade separations to eliminate at-grade crossings, new at-grade

1 crossings, at-grade crossing safety improvement projects, closures of at-grade crossings which are  
2 unnecessary or redundant or impact expansion projects, quiet zone establishment, Federal Section  
3 130 funded improvements, or any Agency project needing access on, over or under BNSF Property  
4 within Idaho, Washington and British Columbia, Canada and all phases of those projects including  
5 design, property, budget and in some cases cost-sharing.  
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8 **Q: Please explain your background and qualifications for working on crossing safety**  
9 **issues and potential crossing closures.**

10 A: In my tenure as a Manager Public Projects I have facilitated the closure of 8 to 15 at-grade  
11 crossings annually for 5+ years. I have lead or attended safety evaluations and diagnostic  
12 evaluations with Transport Canada, the FRA, the WUTC, WSDOT, and road authorities of  
13 numerous grade crossings in Idaho, Washington, and British Columbia as BNSF's grade crossing  
14 safety expert for the NW Division. These safety evaluations included quiet zone diagnostics,  
15 closure petitions, construct/reconstruct petitions as well as grade crossing safety improvement  
16 petitions.  
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19 **Q: Do you have any involvement with Washington State municipalities and/or**  
20 **government agencies on behalf of BNSF?**

21 A: Yes, many of my responsibilities involve working with state and federal agencies,  
22 including Transport Canada, the Federal Railroad Administration, the Washington State  
23 Department of Transportation, the Washington Utilities and Transportation Commission, the Idaho  
24 Transportation Department and Amtrak, along with other municipalities, and road authorities in  
25 ID, WA & Canada. We have the mutual goal of providing and supporting safe, reliable, and  
26 efficient rail transportation options for passengers and businesses, and work together to implement  
27 those goals. For example, as relates to this project, I met with representatives from Whatcom  
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1 County and the Washington Utilities and Transportation Commission on site to do a crossing  
2 safety assessment.

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5 **Q: You have in front of you Exhibit No. (RW-2), a certified copy of the Washington State**  
6 **Rail Plan Integrated Freight and Passenger Rail Plan 2013-2035. Are you familiar with this**  
7 **document?**

8 A: Yes. The Washington State Rail Plan/Integrated Freight and Passenger Rail Plan  
9 2013-2035 is a document that was published by the Washington State Department of  
10 Transportation in March 2014. I was involved in BNSF discussions regarding the WSRP as it was  
11 created and finalized. The WSRP addresses various challenges, successes, and future goals to  
12 improve the rail system. It is a summary of Washington State's policies and goals regarding rail  
13 operations in the state. These are the policies and goals that we keep in mind when engaging in  
14 various BNSF/Agency discussions.

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17 **Q: Are you familiar with the siding track project being constructed near Valley**  
18 **View Road, and if so, what is the extent of your knowledge or involvement with that project?**

19 A: As I stated above, I participated in the Crossing Safety Assessment.

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22 **Q: What does the siding project involve?**

23 A: This project involves an extension of one existing Intalco yard siding track, currently  
24 located west of Valley View Road. The Intalco project will allow trains to meet and pass, and for  
25 existing customers in the Cherry Point industrial area to receive and depart full length trains without  
26 blocking the main line, switches or roads (assuming the Valley View Road at-grade crossing is  
27 closed). Presently, trains need to go through multiple switching operations to break the train up and  
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1 store portions of a train on the shorter yard tracks and existing siding tracks, which increases  
2 congestion and road blockages. The Intalco project will serve existing customer needs and reduce  
3 impact on BNSF's other mainline tracks to reduce train congestion. This work will allow trains to  
4 exit the Bellingham Subdivision main line and allow passenger and higher priority freight trains to  
5 clear through the Custer area, as well. BNSF has worked with Whatcom County and the WUTC to  
6 mitigate the effects of this closure. Some mitigation alternatives include the use of active warning  
7 devices, signage, and some civil work. For instance, active warning devices and signals will be  
8 installed at the Ham Road Crossing where none exist presently, while the active warning devices and  
9 signals at the Main Street Crossing will remain in place; BNSF will install signage at the  
10 intersections of Arnie Road & Valley View Road and Creasey Road & Valley View Road to indicate  
11 no public thoroughfare and widen the intersection at Creasey and Valley View Roads to allow for  
12 design vehicles to turn-around due to the closure.

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15 **Q: Will you please explain the purpose of siding track?**

16 **A:** Railroads need sidings to be able to meet and pass trains operating in opposite directions  
17 where there is a single mainline track. The siding track acts like the second track in a double track  
18 - where one train can pass another safely. This is necessary on tracks where trains have different  
19 priority and speeds, and helps prevent a backlog of trains needing to get through the same stretch  
20 of track. The reason trains are put onto siding tracks is because other higher priority trains need to  
21 bypass them - thus, the implications of siding tracks go beyond this particular crossing, like a  
22 domino effect.

1 **Q: What will the overall length of the siding track measure when the project is**  
2 **completed?**

3 A: The siding track currently is too short to accommodate most trains without having to break  
4 train to store some elsewhere and/or block the mainline track. The project will extend the existing  
5 siding track increasing the capacity to 7,230 feet.

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8 **Q: What are the lengths of the trains that will occupy the siding track once it is put in**  
9 **use?**

10 A: The average length of a train is a mile or more. The siding track will be able to  
11 accommodate most trains to our existing customers on the Cherry Point Subdivision.

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14 **Q: How often do trains currently use the existing track at Valley View Road, and is the**  
15 **current number expected to stay the same or change?**

16 A: Currently, the count through Valley View averages 4 trains daily, for eight trips across the  
17 Valley View Road crossing. This number will fluctuate depending on customer demand; however,  
18 it will be more likely for a train to be stopped across the Valley View crossing (should it remain  
19 open, which I do not recommend) for long periods of time. Because trains will be able to use the  
20 extended siding for meets and passes, this will free up other siding tracks within the Cherry Point  
21 and meet/pass siding tracks on the Bellingham Subdivision.

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24 **Q: For how long can trains expect to be stopped on the siding track?**

25 A: This will really depend on other train traffic in the area, and customer demand, but a train or  
26 cars placed onto the siding track may be stopped a considerable time. A stopped train could easily

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1 stay on the siding for hours or more, depending on the customer's needs and other train traffic in the  
2 area.

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5 **Q: Where will the Valley View Road crossing be located in relation to the siding track**  
6 **once that project is complete?**

7 A: Valley View Road will be located near the eastern end of the extended siding track.  
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10 **Q: Would trains block the Valley View Road crossing when they are stopped on the**  
11 **siding track?**

12 A: In the majority of cases, yes. But even if a train is short enough and the conductor stops it  
13 far enough north of the crossing, a visibility hazard is created for cars and pedestrians at the  
14 crossing. The parked train will prevent an open view of trains running on the main line.  
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17 **Q: How does the addition of a siding track through a grade crossing alter the crossing**  
18 **based on a safety standpoint? In other words, if the Valley View Road crossing remains open,**  
19 **what are the hazards for cars and pedestrians created by the existence of two sets of tracks,**  
20 **one of which is a siding track, through the crossing?**

21 A: Adding a second track through a crossing creates increased hazards than those involved with  
22 one set of tracks. Crossing two sets of railroad tracks is inherently dangerous. Trains parked in the  
23 siding track can block motorist, bicyclists, and pedestrians' views of approaching trains on the  
24 mainline track. Even with lights and gates, the warning signals may be confusing to drivers,  
25 bicyclists, and/or pedestrians when two tracks are involved instead of one and a train is parked on the  
26 siding track, because they may not know whether the parked train is about to move, or whether a  
27 train is coming on the mainline track. With a parked train blocking visibility of the mainline, they  
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1 may assume that the parked train has created a false alarm (the speed limit on this track is currently  
2 10 mph so it could take a while for a train moving on the mainline to come into view), and attempt to  
3 disregard the warnings. It is also very dangerous for bicyclists or pedestrians to cross near parked  
4 trains that are subject to move at any time, where the conductor may be more than a mile away from  
5 the pedestrian(s) because of the length of the train and unable to see the person on the tracks. As  
6 previously stated, trains will meet and pass at this location, potentially stopping for long periods of  
7 time to accommodate other rail traffic and operational needs in Western Washington. Therefore, the  
8 devices could be active for extended periods and the crossing would not be available to public travel  
9 for that time span. The loss of the use of the crossing to the public for extended periods of time has  
10 the tendency to create driver behavior to attempt to "beat the train" when the driver notices the  
11 warning devices activate in advance of a train's arrival.

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14 **Q: What is the best way to address those safety concerns?**

15 **A:** The best way is to close the crossing.  
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18 **Q: Why close a crossing, as opposed to the other alternatives?**

19 **A:** Once a grade crossing is closed/eliminated, the safety hazards I previously discussed are  
20 eliminated. It is nearly impossible that the crossing will ever be the site of a vehicle/bicycle train  
21 crash, with its accompanying possibility of death, personal injuries, property damage, fires,  
22 explosions, and/or hazardous material spills.)  
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1 **Q: In what type of scenario would you recommend an alternative to closing the crossing?**

2 A: I would not recommend an alternative to closing this crossing. The County could decide to  
3 construct an overpass at its expense if it believed that the traffic levels justified the need, but we have  
4 not been advised that it is willing to do that.

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7 **Q: Are there other benefits to closing a crossing, besides safety?**

8 A: Yes, there are reduced street maintenance costs for the municipality and reduced noise levels  
9 because the trains no longer have to sound their horns approaching Valley View Road. In addition,  
10 Whatcom County's average daily traffic count in 2014 was 365 vehicles. With less vehicles driving  
11 on Valley View, there will be that much less traffic noise for nearby residents.

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14 **Q: You just mentioned traffic counts. The Petition to Close the Valley View Crossing**  
15 **reflects an Average Daily Traffic Count of 90 vehicles. Is that still accurate?**

16 A: We based that number off of the most recent FRA crossing inventory that was available at  
17 the time. Since we filed the petition, the County has advised us that it performed a traffic count in  
18 2014 per the WUTC's request at our Crossing Safety Assessment Meeting. The County stated that  
19 the updated AADT is 365 vehicles. BNSF recently asked a traffic expert to independently confirm  
20 all traffic counts.

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23 **Q: Does that change BNSF's position on crossing closure?**

24 A: No, it does not. As I have previously stated, BNSF has offered to upgrade the existing  
25 warning devices at the Ham/Arnie Road crossing, a crossing that re-routed motorists may take as  
26 an alternative way to traverse the railroad tracks. Per the Manual on Uniform Traffic Control  
27 Devices, Valley View Road is considered a low-volume road ("those roads lying outside of  
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1 built-up areas of cities, towns, and communities [that] have a traffic volume of less than 400  
2 AADT”). The regulatory agencies, road authorities, and railroad rely on the MUTCD for guidance  
3 when looking at the safety measures at a crossing.  
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6 **Q: How, if at all, would closing the Valley View at-grade crossing support the State’s**  
7 **goal(s) in the Washington State Rail Plan, Exhibit No. [RW-2]?**

8 A: It will enhance the movement of both passenger and freight along the Subdivisions leading  
9 to the Cherry Point Subdivision by being able to fit full trains at the extended siding and it will  
10 improve public safety by virtually eliminating chances of a vehicle or pedestrian incident at the  
11 Valley View at-grade crossing and BNSF personnel’s safety; these are all goals of the WSRP.  
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14 **Q: To summarize, what is your recommendation in this case, and why?**

15 A: All at-grade crossings are inherently dangerous. The addition of a second set of tracks to  
16 the Valley View crossing, so that BNSF can better serve its existing customers and prevent train  
17 congestion, will create an exceptionally hazardous crossing upon completion of the siding  
18 extension project. This crossing should be closed, with traffic rerouted to the Ham Rd and Main St  
19 at-grade crossings.  
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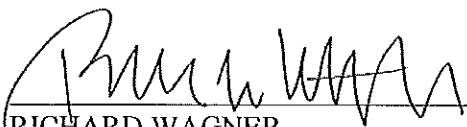
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DECLARATION

I, RICHARD WAGNER, declare under penalty of perjury under the laws of the State of Washington that the foregoing PREFILED TESTIMONY OF RICHARD WAGNER is true and correct to the best of my knowledge and belief.

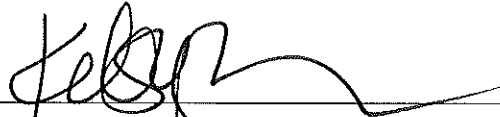
DATED this 7<sup>th</sup> day of August, 2015.

(RW)

  
\_\_\_\_\_  
RICHARD WAGNER

DATED this 6<sup>th</sup> day of August, 2015.

Montgomery Scarp, PLLC

  
\_\_\_\_\_  
Bradley P. Scarp, WSBA #21453

Kelsey Endres, WSBA #39409  
Attorneys for BNSF Railway Company  
1218 Third Ave., Suite 2500  
Seattle, WA 08101  
Tel. (206) 625-1801; Fax (206) 625-1807  
[Brad@montgomeryscarp.com](mailto:Brad@montgomeryscarp.com)  
[Kelsey@montgomeryscarp.com](mailto:Kelsey@montgomeryscarp.com)

CERTIFICATE OF SERVICE

I am over the age of 18; and not a party to this action. I am the assistant to an attorney with Montgomery Scarp PLLC, whose address is 1218 Third Avenue, Suite 2500, Seattle, Washington, 98101.

I hereby certify that the original and 1 copies of the PREFILED TESTIMONY OF RICHARD WAGNER have been sent by VIA FED EX to Steven King at WUTC and a PDF version sent by electronic mail. I also certify that true and complete copies have been sent to the following interested parties via U.S. Mail:

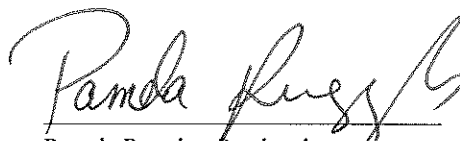
Daniel L. Gibson  
Chief Civil Deputy  
Prosecuting Attorney  
Whatcom' County  
311 Grand Ave., Suite 201  
Bellingham, WA 98225

Joseph P. Rutan  
County Engineer/Interim PW Director  
Whatcom County Public Works Dept.  
322 N. Commercial St., Suite 210  
Bellingham, WA 98225

Julian Beattie  
Assistant Attorney General  
1400 S. Evergreen Park Drive SW  
P.O. Box 40128  
Olympia, WA 98504-0128

I declare under penalty under the laws of the State of Washington that the foregoing information is true and correct.

DATED this 7<sup>th</sup> day of August, 2015, at Seattle, Washington.

  
Pamela Ruggles, Paralegal

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